

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks. Claims 1-22 stand rejected.

Request for Interview

The courtesy of an interview prior to first action, but after review of the current amendment, is respectfully requested. It appears from the nature of the Office Actions received to date that the Examiner is taking issue with much of the semantics of the claim language. The undersigned has twice (present amendment included) attempted to address such issues, but feels that it would be most productive to resolve those issues via an interview in the event any such issues remain. The undersigned can be reached at the telephone number below.

Regarding the Rejections under 35 U.S.C. §112

Claims 1-22 were rejected as not being supported by the specification. Applicant wishes to direct the Examiner's attention to the paragraph spanning pages 2 and 3 of the specification wherein, the definitions section clearly contemplates that a display device is used in that a television receiver, television set top box or monitor device is referenced in connection with the A/V content being manipulated. Moreover, the accepted terminology of Point of Deployment device, CableCARD, etc. as used herein clearly sets the stage for there being a video signal being manipulated for purposes of display. In any such device, there is a host device which may be a display. Moreover, in the paragraph spanning pages 3 and 4, the term "host" is used to modify the terms "set top box" as well as "television receiver", the latter of which is known to often have a display. Clearly those skilled in the art will find that the language of the claims is supported. However, in the interest of advancing prosecution of this application, the claims are amended hereby to broaden the terms used in the claims to terms that more identically conform to the specification.

On page 4 of the current Office Action, the Examiner asserts that Applicant no longer claims a POD being a CableCard or point of deployment device. Applicant disagrees and notes

that the term point of deployment device is at least in the preamble of each claim. The undersigned has also assured that this term is used in the claim body for at least each independent claim. This term is adopted as it is conventionally used in the art as a generic for the term CableCARD and similar devices. Applicant knows of no better generic, but will gladly work with the Examiner to produce an appropriate description if the Examiner further objects and hence requests the interview.

It is noted that the Office has now objected to the trademarked term “OpenCable™” and has cited the reasoning for such objections and rejections. However, Applicant requests reconsideration. The Office notes from *Ex parte Simpson* that it is improper to use the trademark or trade name for a “material or product” (emphasis added). However, the present usage does not in fact use the trademark or trade name in that context. The claims call for the POD to be compliant with an OpenCable standard. In this context, OpenCable is in fact an organization that has established an industry standard, and Applicant is using the language as such, much as others commonly use references to IEEE, MPEG, EIA and other standards setting bodies to more specifically call out what is being claimed. As such, in the context of specifying a set of standards to which the claimed elements comply, the present usage is no different. The undersigned knows of no better way to define this. Moreover, this mechanism has been used in issued U.S. patent claims previously (e.g., 6,925,180). The undersigned respectfully requests that the examiner consider that this usage is in fact not in violation of the prohibition against trademarks or trade names since it is not in fact specifying a material or product, but in fact properly references an industry standard specification. Reconsideration is respectfully requested.

As noted in the prior response, the claims have been amended to more particularly point out and distinctly claim the subject matter of the invention. The trademark term CableCARD™ CableCARD™ was previously eliminated from the claims in favor of the generic term “point of deployment module”. The claims have been amended to indicate that the “point of deployment module (generic for CableCARD) is compliant with the format set forth in the specification as defined by the OpenCable™ organization and, as the trademarked format is fully defined, accepted and understood by those skilled in this field of art, the claim scope is clearly fully definite. As used in the claim, the trademark does not define a “material or product”, but rather,

signifies compliance with an industry accepted set of specifications. Applicants submit that, as amended, these claims satisfy the requirements of 35 U.S.C. §112. Such use of the term as definition of a set of specifications is believed fully proper, but if the Examiner has suggestions on improvement of the claim language, such suggestions are welcome. Reconsideration of the Section 112 rejection of these claims is respectfully requested. If the Examiner persists in this rejection, the undersigned respectfully requests guidance in formulating language that the Examiner would find acceptable, and reiterates request for an interview.

Regarding the Rejection under 35 U.S.C. §102

All claims were rejected under 35 USC 102(b) as being anticipated by Brooks et al (US 7,047,305). These rejections are respectfully traversed.

Regarding independent claims 1, 8, 12 and 19, claims 1 and 8 recite methods for “manipulating a stream of video data in a point of deployment module device” comprising at least “receiving a stream of video data from a host television receiver device, the stream of video data being received by said host from a multimedia broadcaster and being encoded according to a first coding” and “transcoding the stream of video data associated with said host television receiver device”, and claims 12 and 19 recite an apparatus comprising “means for receiving a stream of video data from a host television receiver device, the stream of video data being received by said host from a multimedia broadcaster and being encoded according to a first coding” and “a transcoder that transcodes the stream of video data associated with said host television receiver device to convert the stream of video data to a second coding.” In order to anticipate a claim a reference must disclose every element of the claim. The office action asserts that the Brooks et al reference discloses every element of independent claims 1, 8, 12 and 19, however, it does not disclose the above recited claim features.

The Brooks et al reference discloses a personal broadcasting system for audio and video using a wide area network to distribute the broadcast information. As such, this system discloses the preparation and distribution of audio and video content from a broadcaster’s site to unknown receivers all across the amorphous wide area networks to which the broadcaster has access. Broadcasters have a need to transcode content data from one format to another prior to

distribution, and the Brooks et al reference discloses such transcoding. However, this is entirely different from the claims filed herein. The Brooks et al reference does not teach or disclose a method or apparatus for “receiving a stream of video data from a host television receiver device, the stream of video data being received by said host television receiver device from a multimedia broadcaster and being encoded according to a first coding” or “a transcoder that transcodes the stream of video data associated with said host television receiver device” as recited in independent claims 1, 8, 12, and 19. The ability for a point of deployment module device integral to a “television receiver device” to receive incoming video data broadcasts and transcode them prior to display on said “television receiver device” is not disclosed or taught by the Brooks et al reference. Thus, the Brooks et al reference does not anticipate each element of independent claims 1, 8, 12, and 19. Therefore, the Brooks et al reference does not provide the disclosure necessary to anticipate each of these claims.

It is additionally noted that the point of deployment device is now explicitly recited in the body of each of the independent claims. Hence, Brooks clearly fails to anticipate the claims and the preamble limitations must now clearly be considered. Reconsideration and allowance of independent claims 1, 8, 12 and 19 and all claims dependent therefrom are respectfully requested.

With regard to claims 6, 10, 17, and 21 the Office Action seems to assert that these claims are anticipated by the Brooks et al reference at column 11, lines 9-12. As noted in the prior response, to anticipate a claim the reference must disclose each element of the claim. The Brooks et al reference discloses content preparation for broadcasters across a network, not data manipulation of any kind, or the methods and equipment to perform such manipulations, at the receiving end of the broadcast content. There is no disclosure or teaching in the Brooks et al reference for a point of deployment device such as a CableCARD of any kind, including a CableCARD or point of deployment device “compliant with an OpenCable™ standard format” as is now explicitly claimed. Thus, the Brooks et al reference does not anticipate each element of claims 6, 10, 17, and 21 and, therefore, does not provide the disclosure necessary to anticipate

these claims. Reconsideration and allowance of claims 6, 10, 17, and 21 is respectfully requested.

With regard to claims 7, 11, 18, and 22 the office action seems to assert that these claims are anticipated by the Brooks et al reference at column 9, lines 40-56. Again, as noted in the prior response, to anticipate a claim the reference must disclose each element of the claim. The Brooks et al reference discloses content preparation for broadcasters across a network using formats that are common for receivers attached to a wide area network and the World Wide Web. These formats include .mov, .avi and MPEG1, 2 and 4 formats. There is no disclosure or teaching in the Brooks et al reference that discloses that any coding comprises "MPEG 7 compliant coding, Wavelet compression coding, and AVC coding" as recited in claims 7, 11, 18 and 22. Thus, the Brooks et al reference does not anticipate each element of claims 6, 10, 17, and 21 and, therefore, does not provide the disclosure necessary to anticipate these claims. Reconsideration and allowance of claims 7, 11, 18 and 22 is respectfully requested.

Regarding claims 2-7, 9-11, 13-18 and 20-22, as noted in the prior response, these claims inherit the features of claims 1, 8, 12 and 19 and are patentable for at least the same reasons. Therefore, reconsideration and allowance of claims 2-7, 9-11, 13-18 and 20-22 is respectfully requested.

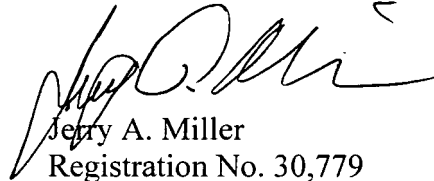
Concluding Remarks

The undersigned additionally notes that many other distinctions exist between the cited art and the claims. However, in view of the clear distinctions pointed out above, further discussion of each distinction is clearly unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of a telephone or personal interview.

The undersigned can be reached at the telephone number below.

Respectfully submitted,



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Dated:

7/29/08

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